

Appl. No. 09/863,996  
Amdt. dated: 09/16/05  
Reply to Office Action of March 16, 2005

### **REMARKS**

Upon entry of the instant amendment, claims 1, 2, 8, 9, 10, 11, 12, 13, and 29 are pending. Claims 1, 2 and 8-13 have been amended. Claims 3-7 and 14-28 have been cancelled. Inasmuch as the Official Action has been made final, a Request for Continuing Examination (RCE) is being filed herewith. Accordingly, the Examiner is respectfully requested to enter the amendment.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Claim 21 has been rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Claim 21 has been cancelled. Accordingly, it is respectfully submitted that this rejection is obviated.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

Claims 21-23, 25 and 27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Bennett, et al., U.S. Patent No. 6,633,846. Claims 21-23, 25, and 27 have been cancelled. Accordingly, this rejection is obviated.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-5, 8, 9, 11, and 13-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bennett, et al. patent, further in view of Kirk, et al., U.S. Patent No. 5,390,238. With respect to claims 3-5 and 14-17, these claims have been cancelled. Thus, the rejection is obviated in this regard. With respect to claims 1, 2, 8, 9, 11, and 13, these claims have been amended to recite subject matter clearly not disclosed or suggested by either the Bennett, et al. or Kirk, et al. patents. In order for the Examiner to establish a prima facie case of obviousness, three criteria must be met as set forth in MPEP § 2143.

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be some reasonable expectation of success. Finally, the

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prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the Applicant's disclosure."

It is respectfully submitted that none of the references disclose or suggest a client server system in which the voice recognition software is disposed in the server as recited in the claims at issue. As set forth in the Bennett, et al. patent, the voice processing is done by the client device in the case of the Bennett reference. Such speech processing is highly computational intensive. Although the Bennett, et al. system purports to have real time performance, such real time performance could only be provided with a relatively expensive processor in order to achieve such real time performance and still handle the computational intensive processing required for speech recognition. ( ... the system achieves a real time performance that is believed to be highly optimized, because other latencies (i.e., client side computational latencies, packet formation latencies, transmission latencies are minimized). Bennett, et al., U.S. Patent No. 6,633,846, column 23, lines 1-4)). The system recited in the claims at issue eliminates the need for an expensive processor in the client side device by simply utilizing the client device to convert the voice data to a first data stream. The first data stream is then transmitted by the hand-held device to a remote server system which has a relatively powerful microprocessor for handling the speech recognition computation in a very efficient manner to enable a remote data base to be accessed and data to be returned to the hand-held device virtually in real time. None of the patents disclose or suggest an architecture which allows a relatively inexpensive client device such as a PDA to be used to access data from a remote data base as in the claims recited in the claims at issue. Accordingly, it is respectfully submitted that the claims, as amended, recite patentable subject matter over the references cited. The Examiner is respectfully requested to reconsider and withdraw the rejection of the claim.

Claims 24 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett, et al., in view of Kanevsky, et al., U.S. Patent No. 5,953,700. Claim 28 has also been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett, et al., in view of Cidon, et

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al., U.S. Patent No. 6,269,330. Claims 24, 26, and 28 have been cancelled. Thus, these rejections under 35 U.S.C. § 103 are obviated.

For all the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejections of the claims.

Respectfully submitted,

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